

Applicant : Johnathan P. Tann  
Appl. No. : 10/632,335  
Examiner : Adam M. Queler  
Docket No. : 13552.4003

### **Remarks/Arguments**

Claims 1-8, 11-18, 21-25 and 28-29 are pending of which claims 1 and 11 have been amended. In view of the foregoing amendments and subsequent remarks, Applicant respectfully requests reconsideration and allowance of this application.

### **Section 103 Rejection**

The examiner rejected claims 1-8, 11-18, and 21-24 under 35 U.S.C. § 103(a) as being unpatentable over Kohl et al. (US Publication No. 20020091930A1) and applicant's admitted prior art. Applicant respectfully traverses this rejection and respectfully requests that the examiner reconsider his rejection in light of the foregoing amendments made to claims 1 and claim 11.

None of the references cited by the examiner, alone or in combination, teach

- searching for a suitable content player,
- detecting the absence of a suitable content player and
- installing a suitable content player in response to detecting the absence of a suitable content player,

as is required by all pending claims. It is frequently the case, especially but not exclusively on handheld devices, that a content player appropriate for playing a certain type of media does not exist on the device and that a user must manually install a content player, a task that requires a certain level of technical competence. The inability to play media because the necessary content player is not available significantly limits the utility of devices like those in the cited and admitted prior art. The reason for this is that the lack of the correct content player prevents the automatic display/playback of the content rich data on the removable memory device when the media has been inserted into the device, unless the user manually intervenes and attempts to install the correct content player (assuming the user has access to the correct content player to install and has the requisite technical ability to perform such an installation).

The subject matter of independent claims 1 and 11 solves this problem by "searching within the handheld device for a content player enabled to present the content rich data,"

Applicant	:	Johnathan P. Tann
Appl. No.	:	10/632,335
Examiner	:	Adam M. Queler
Docket No.	:	13552.4003

"detecting the absence of a content player enabled to present the content rich data" and "installing a content player enabled to present the content rich data in response to detecting the absence of a content player enabled to present the content rich data existing on the handheld device." Thus, media content can be automatically displayed upon the installation of a removable media device, whether or not the appropriate content player has previously been installed by the user.

Kohl does not recite a content player, much less the searching, detecting and installing steps of claims 1 and 11. Moreover, even if a content player were inherent in Kohl, that does not make the searching, detecting and installing steps necessarily present. Applicant respectfully submits that searching for an appropriate content player, detecting its absence and installing such a content player in response to detecting its absence after insertion of the memory device is not inherent in the cited art. In fact, these features are in no way "necessarily present" in the cited prior art. For example, in systems as in the cited prior art, when removable media with content to be played is inserted into a device and the appropriate player is not present on the device, the attempt to play the media will simply fail. Thus, searching for an appropriate content player, detecting its absence and automatically installing the appropriate one in response to such detection is not at all inherent in the prior art.

In fact, while Kohl teaches the playing of media content, Kohl fails to address the circumstance where an appropriate content player is not present. Kohl makes the assumption that the media can be played; however, this assumption will be incorrect when media is placed in a device that does not have an appropriate content player. The subject matter claimed in the present application specifically addresses this situation by installing the correct content player where the absence of one is detected. As Kohl does not even consider what to do if the correct content player is not available, it cannot render the present claims obvious. Moreover, Applicant respectfully submits that Keyt and Colvin do not supply these limitations either. Colvin discloses a system for copy protection, and Keyt discusses copyright registration for web sites. Neither of these reference disclose content players much less the searching, detecting or installing steps of claims 1 and 11.

Applicant : Johnathan P. Tann  
Appl. No. : 10/632,335  
Examiner : Adam M. Queler  
Docket No. : 13552.4003

Given this, the applicants respectfully submit that claims 1 and 11 as amended, and their respective dependent claims are now in a condition for allowance, which is respectfully requested.

### Conclusion

Prompt and favorable action on the merits of the claims is earnestly solicited. Should the Examiner have any questions or comments, the undersigned can be reached at (949) 567-6700.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to Deposit Account No. 15-0665.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: May 9, 2007

By: 

Kenneth S. Roberts  
Reg. No. 38,283

Orrick, Herrington & Sutcliffe LLP  
4 Park Plaza, Suite 1600  
Irvine, CA 92614-2558  
Tel. 949-567-6700  
Fax: 949-567-6710